UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER,	)	
Plaintiff,	)	**Case No. 11 C 4197**
v.	)	**Judge Harry D. Leinenweber**
TIMOTHY M. GHIDOTTI, BORIS JURKOVIC, RELIABLE RECOVERY SERVICES, INC., JEAN M. LINDGREN, JESUS VERA, STEVEN MARTIN, JUAN M. CABRALES, DENNIS P. WALSH, MICHAEL A. FLORES, GILBERT D. ESCAMILLA, DANIEL F. DOODY, UNKNOWN OFFICERS OF THE CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO,	)	**Magistrate Judge Michael T. Mason**
	)	**JURY TRIAL DEMANDED**
Defendants.	)	

SECOND AMENDED CIVIL RIGHTS COMPLAINT

Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, by and through their attorney, Irene K. Dymkar, and complaining against defendants, TIMOTHY M. GHIDOTTI, BORIS JURKOVIC, RELIABLE RECOVERY SERVICES, INC., JEAN M. LINDGREN, JESUS VERA, STEVEN MARTIN, JUAN M. CABRALES, DENNIS P. WALSH, MICHAEL A. FLORES, GILBERT D. ESCAMILLA, DANIEL F. DOODY, UNKNOWN OFFICERS OF THE CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, state as follows:

NATURE OF CLAIM

1. This action arises under the United States Constitution and the laws of the United States, specifically the Civil Rights Act of 1871 (42 U.S.C. §1983), to redress deprivations of the civil rights of plaintiffs through acts and/or omissions of defendants committed under color of

law. Specifically here, defendants deprived plaintiffs of their rights under the Fourth and Fourteenth Amendments to the United States Constitution.

2. Additionally, plaintiffs rely upon the Court's supplemental jurisdiction to assert the Illinois state claims of trespass, intentional infliction of emotional distress, malicious prosecution, and indemnification.

JURISDICTION AND VENUE

3. Jurisdiction is based upon 28 U.S.C. §§1343, 1331, and 1367.

4. Venue lies in the United States District Court, Northern District of Illinois, pursuant to 28 U.S.C. §1391, because all events or omissions giving rise to this claim occurred in this district.

PARTIES

5. At all times herein mentioned, plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, were and are citizens of the United States and reside within the jurisdiction of the court.

6. Plaintiff A.B. was and currently still is a minor and is being represented in this action by her parent, BARBARA BAKER.

7. Defendant TIMOTHY M. GHIDOTTI (hereinafter GHIDOTTI) and BORIS JURKOVIC (hereinafter JURKOVIC) were individuals residing in the State of Illinois and were employed at all times herein mentioned by defendant RELIABLE RECOVERY SERVICES, INC. (hereinafter RELIABLE RECOVERY). They were acting within the scope of their employment in committing the acts described herein.

8. Defendant RELIABLE RECOVERY was and is a corporation, duly organized and incorporated under the laws of the State of Illinois, and conducting business in the State of Illinois.

9. At all times herein mentioned, defendants JEAN M. LINDGREN (hereinafter LINDGREN), JESUS VERA (hereinafter VERA), STEVEN MARTIN (hereinafter

MARTIN), JUAN M. CABRALES (hereinafter CABRALES), DENNIS P. WALSH (hereinafter WALSH), MICHAEL A. FLORES (hereinafter FLORES), GILBERT D. ESCAMILLA (hereinafter ESCAMILLA), DANIEL F. DOODY (hereinafter DOODY) and UNKNOWN OFFICERS OF THE CHICAGO POLICE DEPARTMENT (hereinafter UNKNOWN OFFICERS) were officers employed by the Chicago Police Department and were acting under color of state law and as the employees or agents of the City of Chicago, Illinois. They are being sued in their individual capacity. Once the actual names of UNKNOWN OFFICERS is known, plaintiffs will move the Court to amend this complaint.

10. Defendant CITY OF CHICAGO is a municipal corporation, duly organized under the laws of the State of Illinois. Defendant CITY OF CHICAGO maintained, managed, and/or operated the Chicago Police Department.

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STATEMENT OF FACTS

11. At all dates herein, plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, resided at 5721 S. Washtenaw Avenue in Chicago, Illinois. CAMDEN M. BAKER is an adult child and A.B. is a minor child of KENNETH BAKER and BARBARA BAKER.

12. RELIABLE RECOVERY is a company that repossesses property for clients.

13. On January 11, 2010, at approximately 5:00 AM, two men believed to be defendants GHIDOTTI and JURKOVIC, employees of RELIABLE RECOVERY, entered onto the premises of 5721 S. Washtenaw Avenue without permission and without legal cause. They set off the burglar alarm, apparently by opening the front door to the home.

14. On or about January 12, 2010, at approximately 6:30 AM, two men believed to be defendants GHIDOTTI and JURKOVIC were peeping through the windows of 5721 S. Washtenaw Avenue in Chicago, Illinois, and scared plaintiff A.B., who was 13 years old. GHIDOTTI and JURKOVIC left a business card.

15. Plaintiffs did not know who GHIDOTTI and JURKOVIC were or what they wanted, and were frightened.

16. On January 27, 2010, two men believed to be defendants GHIDOTTI and JURKOVIC again opened the front door to the home at 5721 S. Washtenaw Avenue, setting off the burglar alarm. The police responded to the burglar alarm, and plaintiffs CAMDEN M. BAKER and A.B. found the police in their home, with guns drawn. They were questioned by the police. The police then left.

17. On February 1, 2010, at 3:30 AM., two men believed to be defendants GHIDOTTI and JURKOVIC rang the doorbell, awakening the members of BAKER family.

18. Thinking there must be some emergency, plaintiff KENNETH BAKER answered the door. He saw a man believed to be GHIDOTTI with a flashlight on the porch. Another man believed to be JURKOVIC was in a truck.

19. The white man believed to be GHIDOTTI asked for Juanita, who is KENNETH BAKER's adult daughter, and also asked about a Chevy vehicle.

20. KENNETH BAKER told defendants that he could not help them and he told them to go away because they were on private property. Plaintiff went back inside.

21. KENNETH BAKER, his wife, BARBARA BAKER, his adult child, CAMDEN M. BAKER, and his minor child, A.B. were all home at the time.

22. A few minutes later, a female and male police officer, believed to be defendants LINDGREN and VERA, arrived and claimed that GHIDOTTI has said that KENNETH BAKER had threatened him with a gun.

23. KENNETH BAKER denied threatening anyone with a gun.

24. Approximately seven additional officers then arrived, including a Sergeant, believed to be defendant MARTIN, and officers believed to be defendants CABRALES, FLORES, ESCAMILLA, and DOODY. The names of the other officers are unknown.

25. GHIDOTTI admitted to the officers, including the Sergeant, that KENNETH BAKER did not pull a gun on him.

26. Despite the admission, defendant officers did nothing to further investigate a situation that was at best a civil dispute and in which it was clear that the complainant, GHIDOTTI, was not telling the truth.

27. Defendant officers proceeded to enter the home, without permission and without a warrant. Some officers went into the back yard and looked into the garage with a flashlight.

28. Defendant police officers proceeded to thoroughly search the home

29. Plaintiffs were detained during the search. They were terrified.

30. A male officer took plaintiff BARBARA BAKER alone into a bedroom. She protested because she was scared to go alone in her nightclothes into a bedroom with a male officer. The officer questioned her about the car defendants GHIDOTTI and JURKOVIC were looking for.

31. While the approximately nine officers searching his home, plaintiff KENNETH BAKER showed defendant officers his Firearm Owner's Identification Card and said that he owned a legal weapon, a shotgun.

32. Defendant officers obtained possession of the legally owned shotgun, which was under a mattress.

33. Defendant officers, including a person believed to be Sgt. MARTIN, began aggressively bargaining with plaintiff KENNETH BAKER on behalf of the repossession company. Mr. BAKER was told that if he told the repossession men where his daughter Juanita lived, defendant officers would let him go and not arrest him.

34. After defendant police officers relentlessly pressured and grilled KENNETH BAKER about Juanita's car, they decided to arrest him, knowing that GHIDOTTI's claim of an assault by KENNETH BAKER was untrue, by GHIDOTTI's own admission.

35. Defendant police officers and GHIDOTTI and JURKOVIC were in the BAKER home for an hour or more, detaining KENNETH BAKER, his wife, and two daughters, the entire time.

36. Individual defendant officers named in this action either actively participated in the detention, the arrest, and the search of plaintiffs, or they passively failed to intervene to prevent the unconstitutional conduct.

37. Defendant police officers took KENNETH BAKER into formal custody and charged him with aggravated assault and having an expired registration for his legally owned shotgun. Plaintiff was booked, processed, and charged with the false charges, and was wrongfully incarcerated.

38. Defendant WALSH was the supervising officer who reviewed the facts with the arresting officers and approved, condoned, or turned a blind eye to the lack of probable cause for KENNETH BAKER's arrest and detention. He played a significant role in the decision to charge and prosecute Mr. BAKER.

39. KENNETH BAKER developed chest pains while in custody of defendant officers because of a heart condition. Defendants did not provide medical treatment. However, they allowed plaintiff BARBARA BAKER to bring her husband his heart medicine.

40. There was a favorable termination of the criminal charges against plaintiff KENNETH BAKER in the criminal court.

41. The above acts, as well as other harassing, humiliating, and insulting acts by the individual defendants, were committed with knowledge of the individual defendants and by agreement of said defendants to act in concert to violate the constitutional rights of plaintiff.

42. By reason of the above-described acts and omissions of defendants, plaintiffs sustained injuries, humiliation, and indignities, and suffered great mental and emotional pain and suffering, all to their damage.

43. The aforementioned acts of the defendant police officers were willful, wanton, malicious, oppressive, and done with reckless indifference to and/or callous disregard for plaintiffs' rights and justify the awarding of exemplary and punitive damages.

44. By reason of the above-described acts and omissions of the individual defendants, plaintiffs were required to retain an attorney to institute, prosecute and render legal assistance to them in the within action, so that they might vindicate the loss and impairment of their rights. By reason thereof, plaintiffs request payment by defendants of a reasonable sum for attorneys' fees pursuant to 42 U.S.C. §1988, the Equal Access to Justice Act, or any other provision set by law.

COUNT I
Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, Against Defendants GHIDOTTI, JURKOVIC, and RELIABLE RECOVERY for State Supplemental Claim of Trespass on January 11, 2010

45. Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, incorporate and reallege paragraphs 1 - 44, as though set forth herein in their entirety.

46. Defendants GHIDOTTI and JURKOVIC intentionally entered onto the premises of 5721 S Washtenaw Avenue, Chicago, Illinois on January 11, 2010, without permission of plaintiffs and without legal cause, thus invading, intruding upon, and violating plaintiffs' security and privacy in their home, in which they had and have rightful possession.

47. Defendants GHIDOTTI and JURKOVIC, and each of them, is liable to plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, under Illinois law for the state supplemental claim of trespass.

48. RELIABLE RECOVERY is liable pursuant to the doctrine of *respondeat superior* for the wrongful acts of their employees, defendants GHIDOTTI and JURKOVIC.

COUNT II
Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, Against Defendants GHIDOTTI, JURKOVIC, and RELIABLE RECOVERY for State Supplemental Claim of Trespass on or about January 12, 2010

49. Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, incorporate and reallege paragraphs 1 - 44, as though set forth herein in their entirety.

50. Defendants GHIDOTTI and JURKOVIC intentionally entered onto the premises of 5721 S Washtenaw Avenue, Chicago, Illinois on January 11, 2010, without permission of plaintiffs and without legal cause, thus invading, intruding upon, and violating plaintiffs' security and privacy in their home, in which they had and have rightful possession.

51. Defendants GHIDOTTI and JURKOVIC, and each of them, is liable to plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, under Illinois law for the state supplemental claim of trespass.

52. RELIABLE RECOVERY is liable pursuant to the doctrine of *respondeat superior* for the wrongful acts of their employees, defendants GHIDOTTI and JURKOVIC.

COUNT III
Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, Against Defendants GHIDOTTI, JURKOVIC, and RELIABLE RECOVERY for State Supplemental Claim of Trespass on January 27, 2010

53. Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, incorporate and reallege paragraphs 1 - 44, as though set forth herein in their entirety.

54. Defendants GHIDOTTI and JURKOVIC intentionally entered onto the premises of 5721 S Washtenaw Avenue, Chicago, Illinois on January 27, 2010, without

permission of plaintiffs and without legal cause, thus invading, intruding upon, and violating plaintiffs' security and privacy in their home, in which they had and have rightful possession.

55. Defendants GHIDOTTI and JURKOVIC, and each of them, is liable to plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, under Illinois law for the state supplemental claim of trespass.

56. RELIABLE RECOVERY is liable pursuant to the doctrine of *respondeat superior* for the wrongful acts of defendants GHIDOTTI and JURKOVIC.

COUNT IV
Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, Against Defendants GHIDOTTI, JURKOVIC, and RELIABLE RECOVERY for State Supplemental Claim of Trespass on February 1, 2010

57. Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, incorporate and reallege paragraphs 1 - 44, as though set forth herein in their entirety.

58. Defendants GHIDOTTI and JURKOVIC intentionally entered onto the premises of 5721 S Washtenaw Avenue, Chicago, Illinois on February1, 2010, without permission of plaintiffs and without legal cause, thus invading, intruding upon, and violating plaintiffs' security and privacy in their home, in which they had and have rightful possession.

59. Defendants GHIDOTTI and JURKOVIC, and each of them, is liable to plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, under Illinois law for the state supplemental claim of trespass.

60. RELIABLE RECOVERY is liable pursuant to the doctrine of *respondeat superior* for the wrongful acts of defendants GHIDOTTI and JURKOVIC.

COUNT V
Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, Against Individual Defendants LINDGREN, VERA, MARTIN, CABRALES, FLORES, ESCAMILLA, DOODY and UNKNOWN OFFICERS for Unconstitutional Entry of Home

61. Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, incorporate and reallege paragraphs 1 - 44, as though set forth herein in their entirety.

62. Defendant police officers LINDGREN, VERA, MARTIN, CABRALES, FLORES, ESCAMILLA, DOODY, and UNKNOWN OFFICERS entered plaintiffs' home at 5721 S. Washtenaw Avenue, in Chicago, Illinois, without a warrant, without permission, and without legal cause or reason, thus invading and violating plaintiffs' security and privacy.

63. Said entry was presumptively and actually unconstitutional at its inception and in its scope and duration.

64. By reason of the conduct of defendant police officers, plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, were deprived of rights, privileges and immunities secured to them by the Fourth and Fourteenth Amendments to the Constitution of the United States and laws enacted thereunder. Therefore, defendants LINDGREN, VERA, MARTIN, CABRALES, FLORES, ESCAMILLA, DOODY, and UNKNOWN OFFICERS, and each of them, is liable to plaintiffs pursuant to 42 U.S.C. §1983.

COUNT VI
Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, Against Individual Defendants LINDGREN, VERA, MARTIN, CABRALES, FLORES, ESCAMILLA, DOODY and UNKNOWN OFFICERS for Unconstitutional Search of Home

65. Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, incorporate and reallege paragraphs 1 - 44, as though set forth herein in their entirety.

66. Defendant police officers LINDGREN, VERA, MARTIN, CABRALES, FLORES, ESCAMILLA, DOODY, and UNKNOWN OFFICERS searched plaintiffs' home at 5721 S. Washtenaw Avenue, in Chicago, Illinois, without a warrant, without permission, and without legal cause or reason, thus invading and violating plaintiffs' security and privacy.

67. Said search was presumptively and actually unconstitutional at its inception and in its scope and duration.

68. By reason of the conduct of defendant police officers, plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, were deprived of rights, privileges and immunities secured to them by the Fourth and Fourteenth Amendments to the Constitution of the United States and laws enacted thereunder. Therefore, defendants LINDGREN, VERA, MARTIN, CABRALES, FLORES, ESCAMILLA, DOODY, and UNKNOWN OFFICERS, and each of them, is liable to plaintiffs pursuant to 42 U.S.C. §1983.

COUNT VII

Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, Against Individual Defendants LINDGREN, VERA, MARTIN, CABRALES, FLORES, ESCAMILLA, DOODY and UNKNOWN OFFICERS for Illegal Detention in the Home

69. Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, incorporate and reallege paragraphs 1 - 44, as though set forth herein in their entirety.

70. The seizure and detention of plaintiffs in their home were without probable cause and unreasonable, both at its inception and in its scope and duration.

71. By reason of the conduct of defendant police officers, plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, were deprived of rights, privileges and immunities secured to them by the Fourth and Fourteenth Amendments to the Constitution of the United States and laws

enacted thereunder. Therefore, defendants LINDGREN, VERA, MARTIN, CABRALES, FLORES, ESCAMILLA, DOODY, and UNKNOWN OFFICERS, and each of them, is liable to plaintiffs pursuant to 42 U.S.C. §1983.

COUNT VIII
Plaintiff KENNETH BAKER Against Defendants LINDGREN, VERA, MARTIN, CABRALES, WALSH, FLORES, ESCAMILLA, DOODY, and UNKNOWN OFFICERS for False Arrest

72. Plaintiff KENNETH BAKER incorporates and realleges paragraphs 1 - 44, as though set forth herein in their entirety.

73. The seizure and arrest of plaintiff KENNETH BAKER by defendant officers LINDGREN, VERA, MARTIN, CABRALES, WALSH, FLORES, ESCAMILLA, DOODY, and UNKNOWN OFFICERS were without probable cause and unreasonable.

74. By reason of the conduct of defendants, plaintiff, KENNETH BAKER, was deprived of rights, privileges and immunities secured to him by the Fourth and Fourteenth Amendments to the Constitution of the United States and laws enacted thereunder. Therefore, defendants LINDGREN, VERA, MARTIN, CABRALES, WALSH, FLORES, ESCAMILLA, DOODY, and UNKNOWN OFFICERS, and each of them, is liable to plaintiff KENNETH BAKER pursuant to 42 U.S.C. §1983.

COUNT IX
Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, Against Defendants LINDGREN, VERA, MARTIN, CABRALES, WALSH, FLORES, ESCAMILLA, DOODY, and UNKNOWN OFFICERS for Failure to Investigate

75. Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, incorporate and reallege paragraphs 1 - 44, as though set forth herein in their entirety.

76. Despite the admission by complainant GHIDOTTI, defendant officers did nothing to further investigate a situation that was at best a civil dispute and in which it was clear that the complainant was not telling the truth.

77. Defendants LINDGREN, VERA, MARTIN, CABRALES, FLORES, ESCAMILLA, DOODY and their supervisor, defendant WALSH, were obligated under the circumstances to conduct further investigation before detaining all plaintiffs and formally arresting and charging plaintiff KENNETH BAKER and they failed to do so.

78. By reason of the conduct of defendants, plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, were deprived of rights, privileges and immunities secured to them by the Fourth and Fourteenth Amendments to the Constitution of the United States and laws enacted thereunder. Therefore, defendants LINDGREN, VERA, MARTIN, CABRALES, WALSH, FLORES, ESCAMILLA, DOODY, and UNKNOWN OFFICERS, and each of them, is liable to plaintiffs pursuant to 42 U.S.C. §1983.

COUNT X
Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, Against Defendants LINDGREN, VERA, MARTIN, CABRALES, WALSH, FLORES, ESCAMILLA, DOODY, and UNKNOWN OFFICERS for Failure to Intervene

79. Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, incorporate and reallege paragraphs 1 - 44, as though set forth herein in their entirety.

80. Defendant police officers had reason to know that the seizure and arrest of plaintiffs and the search of their home were without a valid warrant, without consent, without probable cause, and without exigent circumstances.

81. Defendant police officers had a reasonable opportunity to prevent the illegal searches and seizures, as well as the malicious prosecution, from occurring, but failed to do so.

82. By reason of the conduct of defendant police officers, plaintiffs KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER were deprived of rights, privileges and immunities secured to them by the Fourth and Fourteenth Amendments to the Constitution of the United States and laws enacted thereunder. Therefore, defendants LINDGREN, VERA, MARTIN, CABRALES, WALSH, FLORES, ESCAMILLA, DOODY, and UNKNOWN OFFICERS, and each of them, is liable to all plaintiffs pursuant to 42 U.S.C. §1983.

COUNT XI
Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, Against Defendant MARTIN for Supervisory Liability

83. Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, incorporate and reallege paragraphs 1 - 44, as though set forth herein in their entirety.

84. Defendant MARTIN was a supervisory officers who approved, condoned, or turned a blind eye to unconstitutional conduct, and therefore, is liable as a supervisor.

85. By reason of the conduct of defendant police officer, plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, were deprived of rights, privileges and immunities secured to them by the Fourth and Fourteenth Amendments to the Constitution of the United States and laws enacted thereunder. Therefore, defendant MARTIN is liable to plaintiffs pursuant to 42 U.S.C. §1983.

COUNT XII
Plaintiff, KENNETH BAKER, Against Defendant WALSH for Supervisory Liability

86. Plaintiff KENNETH BAKER incorporates and realleges paragraphs 1 - 44, as though set forth herein in their entirety.

87. Defendant WALSH was a supervisory officer who approved, condoned, or turned a blind eye to unconstitutional conduct, and therefore, is liable as a supervisor.

88. By reason of the conduct of defendant police officers, plaintiff KENNETH BAKER was deprived of rights, privileges and immunities secured to him by the Fourth and Fourteenth Amendments to the Constitution of the United States and laws enacted thereunder. Therefore, defendant WALSH is liable to plaintiff KENNETH BAKER pursuant to 42 U.S.C. §1983.

COUNT XIII
Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, Against Defendants GHIDOTTI, JURKOVIC, LINDGREN, VERA, MARTIN, CABRALES, WALSH, FLORES, ESCAMILLA, DOODY, and UNKNOWN OFFICERS for Conspiracy Pursuant to Section 1983

89. Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, incorporate and reallege paragraphs 1 - 44, as though set forth herein in their entirety.

90. The above acts were committed with knowledge and by agreement of the individual defendants, to act in concert to violate the constitutional rights of plaintiffs.

91. By reason of the conduct of defendant police officers, plaintiffs KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER were deprived of rights, privileges and immunities secured to them by the Fourth and Fourteenth Amendments to the Constitution of the United States and laws enacted thereunder. Therefore, defendants GHIDOTTI, JURIKOVIC, LINDGREN, VERA, MARTIN, CABRALES, WALSH, FLORES, ESCAMILLA, DOODY, and UNKNOWN OFFICERS, and each of them, is liable to all plaintiffs pursuant to 42 U.S.C. §1983.

COUNT XIV
Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, Against Defendants GHIDOTTI, JURKOVIC and RELIABLE RECOVERY for the State Supplemental Claim of Intentional Infliction of Emotional Distress

92. Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, incorporate and reallege paragraphs 1 - 44, as though set forth herein in their entirety.

93. The conduct of the defendants GHIDOTTI and JURKOVIC was extreme and outrageous. Defendants each intended to inflict severe emotional distress or knew that there was a high probability that his conduct would do so.

94. Defendants' conduct did, in fact, cause plaintiff severe emotional distress.

95. Defendants GHIDOTTI and JURKOVIC are therefore liable to plaintiffs under Illinois law for the state supplemental claim of intentional infliction of emotional distress.

96. RELIABLE RECOVERY is liable pursuant to the doctrine of *respondeat superior* for the wrongful acts of defendants GHIDOTTI and JURKOVIC .

COUNT XV
Plaintiff KENNETH BAKER Against Defendants GHIDOTTI, JURKOVIC, RELIABLE RECOVERY, LINDGREN, VERA, MARTIN, CABRALES, WALSH, FLORES, ESCAMILLA, DOODY, UNKNOWN OFFICERS, and CITY OF CHICAGO for Malicious Prosecution of Aggravated Assault Charge

97. Plaintiff KENNETH BAKER incorporates and realleges paragraphs 1 - 44, as though set forth herein in their entirety.

98. Defendants GHIDOTTI, JURKOVIC, LINDGREN, VERA, MARTIN, CABRALES, WALSH, FLORES, ESCAMILLA, DOODY, and UNKNOWN OFFICERS maliciously caused a criminal charge of aggravated assault to be filed and prosecuted against plaintiff. There was no probable cause for the institution of criminal charges against plaintiff.

99. The criminal proceedings were commenced and continued maliciously.

100. Said defendants facilitated this malicious prosecution by failure to investigate,

falsifying evidence, creating false police reports, creating false written criminal charges, and making false statements under oath.

101. Plaintiff was wrongfully incarcerated, and then wrongfully prosecuted until the charge was terminated favorably to plaintiff.

102. Plaintiff was injured emotionally and otherwise from the loss of certain liberty and related rights.

103. Defendants GHIDOTTI, JURKOVIC, LINDGREN, VERA, MARTIN, CABRALES, WALSH, FLORES, ESCAMILLA, DOODY, and UNKNOWN OFFICERS, and each of them, is thus liable to plaintiff under Illinois law for the state supplemental claim of malicious prosecution.

104. Defendant RELIABLE RECOVERY is liable pursuant to the doctrine of *respondeat superior* for the wrongful acts of their employees, defendants GHIDOTTI and JURKOVIC.

105. Defendant CITY OF CHICAGO is liable pursuant to the doctrine of *respondeat superior* for the wrongful acts of their employees, defendants LINDGREN, VERA, MARTIN, CABRALES, WALSH, FLORES, ESCAMILLA, DOODY, and UNKNOWN OFFICERS.

COUNT XVI
Plaintiff KENNETH BAKER Against Defendants LINDGREN, VERA, MARTIN, CABRALES, WALSH, FLORES,, ESCAMILLA, DOODY, UNKNOWN OFFICERS, and CITY OF CHICAGO for Malicious Prosecution of Weapon Registration Charge

106. Plaintiff KENNETH BAKER incorporates and realleges paragraphs 1 - 44, as though set forth herein in their entirety.

107. Defendants LINDGREN, VERA, MARTIN, CABRALES, WALSH, FLORES, ESCAMILLA, DOODY, and UNKNOWN OFFICERS maliciously caused a weapon registration charge to be filed and prosecuted against plaintiff. There was no probable cause for the institution of criminal charges against plaintiff.

108. The criminal proceedings were commenced and continued maliciously.

109. Said defendants facilitated this malicious prosecution by failure to investigate, falsifying evidence, creating false police reports, falsifying written criminal charges, and making false statements under oath.

110. Plaintiff was wrongfully incarcerated, and then wrongfully prosecuted until the charge was terminated favorably to plaintiff.

111. Plaintiff was injured emotionally and otherwise from the loss of certain liberty and related rights.

112. Defendants LINDGREN, VERA, MARTIN, CABRALES, WALSH, FLORES, ESCAMILLA, DOODY, and UNKNOWN OFFICERS**,** and each of them, is thus liable to plaintiff under Illinois law for the state supplemental claim of malicious prosecution.

113. Defendant CITY OF CHICAGO is liable pursuant to the doctrine of *respondeat superior* for the wrongful acts of defendants LINDGREN, VERA, MARTIN, CABRALES, WALSH, FLORES, ESCAMILLA, DOODY, and UNKNOWN OFFICERS.

COUNT XVII
Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, Against Against Defendant CITY OF CHICAGO for Indemnification (735 ILCS 10/9-102)

114. Plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER, incorporate and reallege paragraphs 1 - 44, as though set forth herein in their entirety.

115. In Illinois, public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities.

116. Defendants LINDGREN, VERA, MARTIN, CABRALES, WALSH, FLORES, ESCAMILLA, DOODY**,** and UNKNOWN OFFICERS were employees of the CITY OF CHICAGO and acted within the scope of their employment in committing the misconduct described herein.

117. Defendant CITY OF CHICAGO is thus liable under the theory of indemnification.

WHEREFORE, plaintiffs, KENNETH BAKER, BARBARA BAKER, CAMDEN M. BAKER, and A. B., Minor, by Parent BARBARA BAKER by and through their attorney, Irene K. Dymkar, request judgment as follows against defendants GHIDOTTI, JURKOVIC, RELIABLE RECOVERY, LINDGREN, VERA, MARTIN, CABRALES, WALSH, FLORES, ESCAMILLA, DOODY, UNKNOWN OFFICERS, and CITY OF CHICAGO, on each and every claim as described above:

A. That defendants be required to pay plaintiffs general damages, including emotional distress, in a sum to be ascertained at a trial of this matter,

B. That defendants be required to pay plaintiffs special damages,

C. That defendants be required to pay the plaintiff attorneys' fees pursuant to 42 U.S.C. §1988, the Equal Access to Justice Act, or any other applicable provision,

D. That defendants be required to pay plaintiffs exemplary and punitive damages in a sum to be ascertained at a trial of this matter,

E. That defendants be required to pay plaintiffs costs of the suit herein incurred, and

F. That plaintiffs be granted such other and further relief as this Court may deem just and proper.

PLAINTIFFS HEREBY REQUEST A TRIAL BY JURY.

Dated: January 6, 2013

/s/ Irene K. Dymkar
Irene K. Dymkar

Irene K. Dymkar
Attorney for Plaintiffs
300 W. Adams Street, Suite 330
Chicago, IL 60606-5107
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CERTIFICATE OF SERVICE

I, Irene K. Dymkar, an attorney, certify that on the 18th day of January, 2013, a copy of the Second Amended Complaint was served upon the attorneys for defendants named below through the Court's electronic filing system:

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Dated: January 18, 2013

/s/ Irene K. Dymkar
Irene K. Dymkar